

**NHLC – DIVISION OF ENFORCEMENT – AGENDA
FOR WEDNESDAY, AUGUST 1, 2012**

1. LICENSEES WHO HAVE NOT ATTENDED MANDATORY TRAINING:

None

2. HEARINGS SCHEDULED AT THE LIQUOR COMMISSION, 50 STORRS STREET, CONCORD, NH:

August 3, 2012 @ 8:30 a.m.:

McCue's Billiards & Sports Lounge, 12 Emerald Street, Keene, NH.

Sports Entertainment License #2503405.

Licensed pursuant to RSA 178:20, (u)(1).

Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.

Date of violation: October 16, 2010.

Case #: 10-548-OF.

ASSENTED-TO MOTION TO CONTINUE HEARING SCHEDULED FOR MARCH 26, 2012 FILED BY THE LICENSEE AND GRANTED BY THE COMMISSION.

ASSENTED-TO MOTION TO CONTINUE HEARING SCHEDULED FOR MAY 11, 2012 FILED BY THE DIVISION OF ENFORCEMENT AND GRANTED BY THE COMMISSION.

HEARING COMMENCED JUNE 18, 2012 AND WILL CONTINUE ON AUGUST 3, 2012.

August 22, 2012 @ 2:00 p.m.:

The Peddler's Daughter, 48 Main Street, Nashua, NH.

Restaurant Full Service With Lounge License #1265903.

Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).

Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.

Date of violation: March 17, 2012.

Case #: 12-109-OF.

HEARING SCHEDULED AT THE DIVISION OF ENFORCEMENT, 57 REGIONAL DRIVE, CONCORD, NH:

None

3. WARNING LETTERS/FINES/SUSPENSIONS/MANDATORY TRAINING FOR COMMISSION APPROVAL:

a. Mise En Place, 96 Lehner Street, Wolfeboro, NH.

Restaurant On-Premise Beverage/Wine/Liquor License #1221903.

Licensed pursuant to RSA 178:21.

Cited for violation of RSA 178:1, I – kept alcohol for sale without obtaining the proper license.

Date of violation: June 1, 2012.

Case #: 12-173-OF.

Recommendation: \$250 administrative fine.

b. Twin Mountain Country Store, 130 Route 3 North, Twin Mountain, NH.

Combination License #3286047.

Licensed pursuant to RSA 178:18.

Cited for violation of RSA 126-K:4, I – sold tobacco products to an underage person.

Date of violation: March, 2012.

Case #: 12-141-OF.

Recommendation: Verbal Warning.

4. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Miramonte Winery, 33410 Rancho California, Temecula, CA.
Direct Shipper Permit #8067933.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment on the March, 2012 report by April 15, 2012 and on the April, 2012 report by May 15, 2012.
Date of violation: June 26, 2012.
Case #: 12-188-OF.
\$250 administrative fine paid.
- b. Kokomo Wines, 4791 Dry Creek Road, Healdsburg, CA.
Direct Shipper Permit #8102833.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to report a shipment on the January, 2012 report by February 15, 2012.
Date of violation: May 16, 2012.
Case #: 12-156-OF.
\$250 administrative fine paid.

5. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

6. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

7. NOTIFICATION OF TOBACCO COMPLIANCE CHECKS:

None

8. NOTIFICATION OF NEW APPROVED LICENSES:

Farmer's Table Café LLC (The), 249 Route 10 North, Grantham, NH 03753.
Issued Restaurant On-Premise Beverage/Wine License #1453503 pursuant to RSA 178:20.

9. NOTIFICATION OF APPROVED SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JULY 30, 2012: 1,003

- a. American Vintage Beverage, Inc., 328 South Jefferson Street, #1070, Chicago, IL 60661.
Issued Beverage Vendor License #62331 pursuant to RSA 178:15.
Manufacturer: Mark Anthony Brewery.
- b. Artisanal Imports, Inc., 1305 West Oltorf, Suite 300, Austin, TX 78704.
Issued Beverage Vendor License #62331 pursuant to RSA 178:15.
Manufacturer: La Trappe.
- c. Camarda Corporation DBA Andrew Will Cellars, 12526 SW Bank Road, Vashon, WA 98070.
Issued Direct Shipper Permit #8198933 pursuant to RSA 178:27.
- d. Cameron's Winery LLC, 649 West Swanzey Road, Swanzey, NH 03446.
Issued Wine Manufacturer License #564130 pursuant to RSA:178:8.

- e. Christianson Cellars LLC DBA Canyon Wind Cellars, 3907 North River Road, Palisade, CO 81526. Issued Direct Shipper Permit #8199133 pursuant to RSA 178:27.
- f. Gordon Logistics LLC, 305 Forbes Boulevard, Mansfield, MA 02048. Issued Carrier Beverage/Wine/Liquor License #753716 pursuant to RSA 178:14.
- g. Le Grand Courtage LLC, 11500 West Olympoc Boulevard, #400, Room 493, Los Angeles, CA 90064. Issued Direct Shipper Permit #8199033 pursuant to RSA 178:27.
- h. Ponzi Vineyards LLC, 14665 Southwest Winery Lane, Beaverton, OR 97007. Issued Direct Shipper Permit #8199233 pursuant to RSA 178:27.

10. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

11. NOTIFICATION OF APPROVED PETITIONS:

- a. Anheuser-Busch LLC, 221 Daniel Webster Highway, Merrimack, NH 03054. Beverage Manufacturer Off-Premise Beverage License #286818. Licensed pursuant to RSA 178:12. Requests approval for other areas, to wit, an outside area for tastings sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- b. Audrey's Café, Inc., 13 Main Street, Dublin, NH 03444. Restaurant On-Premise Beverage/Wine/Liquor License #1036503. Licensed pursuant to RSA 178:21. Requests a waiver of RSA 178:21, II, a (2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five days a week, to be open Thursdays, Fridays, and Saturdays as requested in a letter dated July 22, 2012.
- c. Beaver Meadow Bar & Grille LLC, 1 Beaver Meadow Street, Concord, NH 03301. Sports Recreation Facility On-Premise Cocktail Lounge License #6014805. Licensed pursuant to RSA 178:22, V. Requests approval for other areas, to wit, two outside tented areas with a total capacity of 200 from July 17, 2012 through July 22, 2012 from 10:00am to 10:00pm; and one outside tented area with a capacity of 160 on August 1, 2012 from 10:00am to 10:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- d. Craft Brew Alliance, Inc. DBA Redhook Ale Brewery, Pease International, 1 Redhook Way, Portsmouth, NH 03801. Licensed pursuant to RSA 178:22, V. Requests approval for other areas, to wit, outside tented areas with a total capacity of 884 on July 29, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- e. Flag Hill Enterprises DBA Flag Hill Winery, 297 North River Road, Lee, NH 03861. Wine Manufacturer License #560530. Licensed pursuant to RSA 178:8. Requests approval for authorization of other areas, to wit, Town of Newmarket Farmers Market, 220 South Main Street, Newmarket, NH on Saturdays from July 2012 through September 15, 2012 from 9:00am to 1:00pm pursuant to RSA 178:24 and Liq. 404.05.

- f. Gourmetgiftbaskets.com, Inc., 34 Londonderry Road, Londonderry, NH 03053.
Combination Off-Premise Beverage/Wine License #3209647.
Licensed pursuant to RSA 178:18.
Requests approval for authorization to transfer business location, to wit, close the current business and transfer it and its supplies from 34 Londonderry Road, Londonderry, NH to a new location at 266 Route 125, Kingston, NH pursuant to RSA 178:29, VIII.
Recommendation: Approval.
- g. Granite Gorge LLC, 341 State Route 9, Roxbury, NH 03431.
Sports Recreation Facility On-Premise Cocktail Lounge License #6014905.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside beer garden area with a capacity of 207 on July 21, 2012 from 12:00pm – 9:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- h. HGP Café LLC DBA Black Mountain Burger Company, 264 Main Street, Lincoln, NH 03251.
Restaurant On-Premise Beverage/Wine/Liquor License #1435103.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside area with a capacity of 10 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- i. Highland Mountain Bike Park, Inc., 75 Ski Hill Drive, Northfield, NH 03276.
Restaurant On-Premise Beverage/Wine License #1328803.
Licensed pursuant to RSA 178:20.
Requests approval for other areas, to wit, an outside, lower base of mountain, tented and grass area with a capacity of 2,071 on July 19, 2012 through July 22, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- j. KGD LLC DBA Anchorage at Sunapee Harbor, 71 Main Street, Sunapee, NH 03782.
Restaurant On-Premise Cocktail Lounge License #1312403.
Licensed pursuant to RSA 178:22, V.
Requests a waiver of RSA 178:21, II, a (2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five days a week from September 3, 2012 through October 7, 2012 as indicated in a letter dated July 11, 2012.
- k. Lakehouse at Church Landing LLC, 281 Daniel Webster Highway, Meredith, NH 03253.
Restaurant On-Premise Cocktail Lounge License #1263703.
Requests approval for other areas, to wit, an outside boathouse patio area with a capacity of 50 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- l. Mallett Corp. (The) DBA Wentworth Resort GC/Madelin, Route 16-A, Jackson, NH 03846.
Sports Recreation Facility On-Premise Cocktail Lounge License #395405.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside tented area with a capacity of 375 on July 19, 2012 and September 15, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- m. Deborah McLain DBA Extra Touch Gourmet & Gifts, 4 Hawthorne Drive, Bedford, NH 03110.
Restaurant On-Premise Beverage/Wine License #1427303.
Licensed pursuant to RSA 178:20.
Requests approval for other areas, to wit, an outside patio area with a capacity of 24 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.

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- n. Moose Club, 18 Golf Club Road, Newport, NH 03773.
Social Club On-Premise Cocktail Lounge License #15801.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside parking lot area with a capacity of 300 on July 28, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- o. Oceanfront Gaming, Inc. DBA Ocean Gaming at Hampton Beach,
81 Ocean Boulevard, 2nd Floor, Hampton, NH 03842.
Licensed pursuant to RSA 178:21.
Requests exception to RSA 178:27, III to wit, to authorize the purchase of wine from Direct Shipper, Jaqk, Inc., 110 Camino Oruga, Napa, CA with permit #8140533 pursuant to RSA 178:32, III.
- p. RM Resort Management LLC, 620 Ragged Mountain Road, Danbury, NH 03230.
Sports Recreation Facility On-Premise Cocktail Lounge License #6010505.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside brick area with a capacity of 222 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- q. RM Resort Management LLC, 620 Ragged Mountain Road, Danbury, NH 03230.
Sports Recreation Facility On-Premise Cocktail Lounge License #6010505.
Licensed pursuant to RSA 178:22, V.
Requests approval for other areas, to wit, an outside roped area with a capacity of 250 on July 22, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- r. Rumney Mercantile Exchange LLC DBA Rumney Village Store,
453 Main Street, Rumney, NH 03266.
Combination Off-Premise Beverage/Wine/Tobacco License #3295647.
Licensed pursuant to 178:18.
Requests a waiver to RSA 179:48, IV, to wit, to allow direct access from the establishment to a residential premise with two doors to be locked at all times.
- s. Squam Lake Inn LLC, 28 Shepard Hill Road, Holderness, NH 03245.
Retail Table Wine Off-Premise Wine License #3155446.
Licensed pursuant to RSA 178:19.
Requests approval for authorization to transfer wine products to another licensed premise, to wit, close the current business and transfer wine products to their new location and license, Food Among Friends LLC, License #3296147, Squam Lake Market Place, 863 Route 3, Holderness, NH pursuant to RSA 178:29, VIII.
- t. Sumner Country Restaurant & Creamery LLC, 417 Route 108, Somersworth, NH 03878.
Restaurant On-Premise Beverage/Wine/Liquor License #1396803.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside deck area with a capacity of 30 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- u. Sunflowers Café & Catering LLC, 21B Main Street, Jaffrey, NH 03452.
Restaurant On-Premise Beverage/Wine/Liquor License #1287103.
Licensed pursuant to RSA 178:21.
Requests approval to charge a corkage fee, to wit, to charge a fee when serving a bottle of wine brought in by a customer, to be stored separately from licensed alcohol, and served when requested and when a full course meal is consumed pursuant to RSA 178:21, II, a (5).

- v. Tandy Stephens, Inc. DBA Tandy's Top Shelf, 1 Eagle Square, Concord, NH 03301.
Restaurant On-Premise Beverage/Wine/Liquor License #1404103.
Licensed pursuant to RSA 178:21.
Requests approval for an outside area, to wit, an outside atrium area at 7 Eagle Square, Concord, NH with a capacity of 206 on July 21, 2012 from 5:00pm to 1:00am sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
- w. Toffy's Ten Pin LLC DBA Strikers East, 4 Essex Drive, Raymond, NH 03077.
Restaurant On-Premise Beverage/Wine/Liquor License #1270903.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside tented and fenced parking lot area with a capacity of 600 on July 29, 2012 from 11:00am to 9:00pm sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- x. Trattoria Alla Buccos LLC, 143 Main Street, Kingston, NH 03848.
Restaurant On-Premise Beverage/Wine/Liquor License #1432003.
Licensed pursuant to RSA 178:21.
Requests approval for other areas, to wit, an outside tented area with a capacity of 50 on August 3, 4, & 5, 2012 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
- y. Weathervane Seafoods, Inc., 2 Dover Point Road, Dover, NH 03820.
Restaurant On-Premise Beverage/Wine/Liquor License #278503.
Licensed pursuant to RSA 178:21.
Requests approval for an outside area, to wit, an outside patio area with a capacity of 20 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.

12. COMMISSION DECISIONS PENDING AFTER AGENDA MEETING:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

Kelsey's At The Grant, 15 Kimball Road, Gilford, NH.
Restaurant Beverage and Wine License #1363303.
Licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests.
Cited for violation of RSA 179:51 – insufficient lighting.
Cited for violation of RSA 178:22 – failed to offer meals.
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.
Cited for violation of RSA 179:50, II – allowed the premise to be used for a purpose that was contrary to law.
Dates of violations: In or about July, 2011 and October 18, 2011.
Case #: 11-497-OF.
THE LICENSEE AGREED TO PUT HIS LIQUOR LICENSE IN SAFEKEEPING EFFECTIVE DECEMBER 12, 2011.
THE LICENSEE WILL ADDRESS HIS ALCOHOL/FOOD RATIO AT THE HEARING.
ASSENTED-TO MOTION TO CONTINUE HEARING FILED BY THE DIVISION OF ENFORCEMENT AND GRANTED BY THE COMMISSION ON APRIL 16, 2012.
ON MAY 16, 2012, THE COMMISSION APPROVED A TEMPORARY AGREEMENT BETWEEN THE PARTIES WHERE THE LICENSEE MAY TAKE HIS LICENSE OUT OF SAFEKEEPING BUT MAY

OPERATE ONLY WITH A BEER/WINE LICENSE; NO LIVE ENTERTAINMENT, WITH THE EXCEPTION OF A DISC JOCKEY, IS ALLOWED; THE HEARING SCHEDULED TO COMMENCE MAY 31, 2012 @ 8:30 A.M. AT THE DIVISION OF ENFORCEMENT OFFICES SHALL GO FORWARD.

THE HEARING WAS HELD ON MAY 31 – JUNE 1, 2012; REVIEW OF EVIDENCE AND CLOSING ARGUMENTS WERE HELD ON JUNE 13, 2012 @ 9:00 A.M. AT COMMISSION OFFICES, 50 STORRS STREET, CONCORD, NH.

THE COMMISSION ISSUED A PRELIMINARY ORDER REQUESTING THAT THE PARTIES SUBMIT A RECOMMENDATION FOR PENALTIES WITHIN TEN (10) CALENDAR DAYS FROM JUNE 27, 2012.

FINAL ORDER AND DISPOSITION: FOR VIOLATION OF RSA 179:5, I, A \$150 ADMINISTRATIVE FINE, FOUR (4) POINTS ASSESSED TO THE LICENSE AND THE LICENSE TO SELL ALCOHOL SUSPENDED FOR THREE (3) DAYS COMMENCING JULY 24, 2012 WITH RE-GRANT ON JULY 27, 2012; FOR VIOLATION OF RSA 179:20, II, A \$100 ADMINISTRATIVE FINE AND FOR VIOLATION OF RSA 179:44, I, A \$100 ADMINISTRATIVE FINE.

14. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Belle Notte, 333 Valley Street, Manchester, NH.
Restaurant Full Service With Lounge License #1424903.
Licensed pursuant to RSA 178:21, II(a)(1)/178:22, V(q).
Licensee has been asked to appear before the Commission for failing to respond to a citation for violation of RSA 178:22, II – allowed persons under 18 in a cocktail lounge, not accompanied by a parent, legal guardian or adult spouse – 2 counts.
- b. Downtown Discount Beverage, 257 Central Avenue, Dover, NH.
Combination License #3283547.
Licensed pursuant to RSA 178:18.
Licensee has been asked to appear before the Commission for failing to respond to a citation for violation of RSA 179:5, I – sale of alcohol to a minor; license renewal is in August, 2012.
- c. Erik Miller Wines, Inc. DBA Kokomo Wines, 4791 Dry Creek Road, Healdsburg, CA 95448.
Direct Shipper Permit #8102833.
Licensed pursuant to RSA 178:27.
Requests to have their permit re-instated.
Recommendation: Approval.
- d. Jaqk, Inc., DBA Jaqk Cellars, 122 Camino Oruga, Napa, CA 94558.
Direct Shipper Permit #8140533.
Licensed pursuant to RSA 178:27.
Requests to have their permit re-instated.
Recommendation: Approval.
- e. Kelsey's At The Grant, 15 Kimball Road, Gilford, NH.
Restaurant Beverage and Wine License #1363303.
Licensed pursuant to RSA 178:20.
Requests permission to serve remainder of spirits on the premises (approximately 30 bottles) following reduction of liquor license from a full service license to a beverage and wine license to conclude within a period of one (1) month.

- f. Millercoors LLC, 311 10th Street, Golden, CO 80401.
Beverage Vendor License #45431.
Licensed pursuant to RSA 178:15.
Requests approval of Crispin The Saint with an alcohol content of 6.9%, Crispin Honey Crisp with an alcohol content of 6.5% percent, Crispin Lansdowne with an alcohol content of 6.9%, and Crispin Cho-tokkyu with an alcohol content of 6.5% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and 179:40-a.
Recommendation: Approval.

- g. New England Pizza, 195 Wakefield Street, Rochester, NH.
Restaurant Beverage and Wine License #1064003.
Licensed pursuant to RSA 178:20.
Requests approval for a Felon Exception for Gary R. Wenczkowski as a Person-In-Charge pursuant to RSA 179:23 and Liq. 404.06(c).
Recommendation: **DENIAL; licensee may appear before the Commission for discussion.**

15. **EXECUTIVE SESSION ITEMS:**

None